

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH VIVANCO, individually and on behalf
of others similarly situated,

Plaintiff,

-against-

FIFTH AVENUE APPLICANCE SERVICE,
INC., et al.,

Defendants.

ORDER

22-CV-01376 (PMH)

PHILIP M. HALPERN, United States District Judge:

WHEREAS, Plaintiffs filed a Complaint on February 18, 2022 seeking, *inter alia*, redress for violations of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and New York State Labor Law, N.Y. Lab. Law § 195 *et seq.* (Doc. 1);

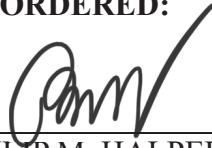
WHEREAS, the parties wish to settle this litigation and filed on September 23, 2022 a letter requesting approval of a Proposed Settlement Agreement terminating the action (“Proposed FLSA Settlement Agreement”) (Doc. 25; Doc. 27);

WHEREAS, having reviewed the Proposed Settlement Agreement and related submissions, the Court finds, pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), that the Proposed Settlement Agreement is fair and reasonable and that the attorneys’ fees are reasonable as well, *see Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-37 (S.D.N.Y. 2012);

IT IS ORDERED that the request to approve the Proposed Settlement Agreement (Doc. 27) is GRANTED and the Clerk of the Court terminate the motion sequence pending at Doc. 25.

SO ORDERED:

Dated: White Plains, New York
September 28, 2022



PHILIP M. HALPERN
United States District Judge